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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,548	09/15/2000	Nobuyuki Kita	019519-267	1924

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EXAMINER

GILMORE, BARBARA L

ART UNIT	PAPER NUMBER
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1752

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DATE MAILED: 03/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

09/662.548

<b>Applicant(s)</b>	
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KITA ET AL.

Examiner

Barbara Gilmore

Art Unit	
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on IDS filed 3/28/01 .
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-5 are pending.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on September 17, 1999. It is noted, however, that applicant has not filed a certified copy of the 11-264379 application as required by 35 U.S.C. 119(b).

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Vermeersch et al.

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a. In US Patent No. 6,210,857, Vermeersch et al claim a heat-sensitive imaging element for providing a lithographic printing plate, comprising a lithographic base with a hydrophobic oleophilic surface and a top layer comprising a compound capable of converting light into heat and a hydrophilic polymer, characterized in that the hydrophilic polymer is crosslinked (claim 1). The top layer comprises colloidal silica (claim 7), which may be in the form of any commercially available water-dispersion of colloidal silica (column 5, lines 6-22). The colloidal silica meets the present limitations for the colloidal sol (colloid in solution) because it can be any commercially available water-dispersion of colloidal silica. As hydrophilic binder, there may be used homopolymers and copolymers of vinyl alcohol, acrylamide, methylol acrylamide, methylol methacrylamide, acrylic acid, methacrylic acid, hydroxyethyl acrylate, hydroxyethyl methacrylate or maleic anhydride/vinylmethylether copolymers (column 4, lines 55-65). In Example 1, 13-wt% of the solid content of the coating solution is hydrophilic binder.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

a. In US Patent Application Publications 2001/0033992 and 2001/0024766, Kita and Kita et al teach heat-sensitive lithographic printing plate precursors.

b. In US Patent No. 6,197,478, Vermeersch et al teach a method for making a lithographic printing plate involving the use of a heat-sensitive imaging element.

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- c. In US Patent No. 6,138,568, McCullough et al teach a planographic printing member and process for its manufacture.
- d. In US Patent No. 6,045,969, Verschueren et al teach a method for making a lithographic base and a lithographic printing plate therewith.
- e. In US Patent No. 5,985,515, Van Rompuy et al teach heat sensitive imaging element and a method for producing lithographic plates therewith.
- f. In US Patent Nos. 5,462,833 and 5,445,912, Hauquier et al teach a lithographic base and a method for making a lithographic printing plate precursor.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Gilmore whose telephone number is 703-305-1330. The examiner can normally be reached on Monday through Thursday.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

b. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



BG  
February 28, 2002

  
JANET BAXTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700